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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/128,622	05/04/98	PRINCE R	APV-30200

QM21/0123
STEVENS DAVIS MILLER & MOSHER
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EXAMINER
NGUYEN, K

ART UNIT	PAPER NUMBER
3712	

DATE MAILED: 01/23/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Supplemental
Notice of Allowability

Application No.
09/128,622

Applicant(s)

Robert P. Prince

Examiner

Kien T. Nguyen

Group Art Unit

3712



All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to the formal drawings filed on 06/12/00

☒ The allowed claim(s) is/are 1 and 3-32

☐ The drawings filed on _____ are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☒ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☐ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. _____

☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.

☒ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☐ Interview Summary, PTO-413

☒ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☐ Examiner's Statement of Reasons for Allowance

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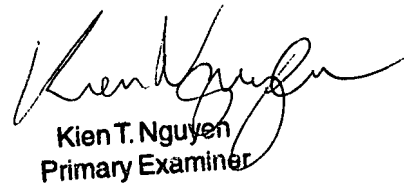
Drawings

1. The formal drawings, filed on June 12, 2000 have been disapproved because they contain features which are not shown in the originally filed drawings nor are described in the specification, as originally filed. Thus, the newly-filed drawings depict features which are objectionable under 35 U.S.C. 132. Specifically, Figs. 1-2 show a head which is contoured in a different manner from that shown in Figs. 1-3 of the originally filed drawings. Note the newly-shown L-shaped cross section. Examining Figs. 4 and 5, there is nothing would suggest an L-shaped cross section. Furthermore, the shape of the shaft at the end where it attaches to the head varies between Figs. 1 and 2 of the newly-filed formal drawings and Figs. 1 and 2 of the originally-filed drawings, respectively. For example, in Fig. 1, the new formal drawing depicts two separate elements, the lower element being straight with rectangular cross section and opening up to a larger diameter region having a cylindrical boss into which the main portion of the shaft fits in. In the newly-filed formal Fig. 2, the shaft is now one-piece and attaches to the head at what appears to be substantially orthogonal orientation. (While it is noted that on page 15 of the specification that the head may be permanently fixed to the shaft by any conventional arrangement (see lines 2-6), the specification does not disclose a possibility for a variety of angles and cross-section differences. Note also that in the portion of the specification entitled "Brief Description of the Drawings", Figs. 1 and 2 are described as representing the same embodiment). In the originally filed Fig. 2, the shaft is more sharply angled and attaches to the head at what appears to

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be an acute angle. In fact, comparing the two Figure 2 drawings, it is apparent that in the originally filed drawings, the main portion of the shaft appears orthogonal to the longitudinal axis of the head, and in the newly-filed Fig. 2, the main portion of the shaft is angled obtusely with respect to the longitudinal axis of the head. Since the above-mentioned variations are not supported by the original disclosure, they constitute new matter.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kien Nguyen whose telephone number is (703) 308-2493.


Kien T. Nguyen
Primary Examiner

ktn

January 23, 2001